

ESTTA Tracking number: **ESTTA765624**

Filing date: **08/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91223262 |
| Party | Plaintiff Content Guru Limited |
| Correspondence Address | JANET F SATTERTHWAITE Potomac Law Group 1300 Pennsylvania Ave Nw WASHINGTON, DC 20004 UNITED STATES jsatterthwaite@potomacclaw.com, tm@potomacclaw.com, ereese@potomacclaw.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Janet F. Satterthwaite |
| Filer's e-mail | tm@potomacclaw.com, jsatterthwaite@potomacclaw.com |
| Signature | /Janet F. Satterthwaite/ |
| Date | 08/19/2016 |
| Attachments | MOTION TO SUSPEND TWEETSTORM.pdf(159592 bytes) EXHIBIT A.pdf(220067 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Serial No. 86328428
to register: TWEETSTORM
Filed: July 3, 2014
Published: April 14, 2015

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|-----------------------|---|-------------------------|
| -----X | : | |
| CONTENT GURU LIMITED, | : | Opposition No. 91223262 |
| | : | |
| Opposer, | : | |
| | : | |
| v. | : | |
| | : | |
| TWITTER, INC., | : | |
| | : | |
| Applicant. | : | |
| -----X | | |

MOTION TO SUSPEND FOR SETTLEMENT OR TO EXTEND ALL DEADLINES

Opposer, Content Guru Limited, moves for pause in this matter, either as a 60-day suspension for settlement or a 2-month extension of all deadlines.

Opposer's counsel recently learned that UK counsel for both parties were in global settlement discussions. Moreover, UK counsel for Twitter advised that it might take some time because they have a new in-house person responsible for this matter. Opposer's US counsel promptly contacted Twitter's US counsel on August 12, 2016, asking for consent to a suspension, given that the UK counsel we discussing a global settlement. So far, no substantive response to the request has been received, despite requests for a response. See Declaration of Janet F. Satterthwaite. Twitter has produced two expert reports, which will require a response by Opposer. In the most recent scheduling Order, the Board set August 30 as the deadline for expert reports. Twitter took the position that the parties had not contemplated an extension of the expert deadlines. After some negotiation, the parties agreed that Opposer's rebuttal reports

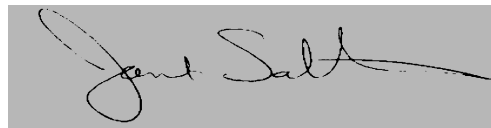
would be due August 30 2016. Given the pause for settlement, it would be wasteful for Opposer to complete expert reports which may turn out not to be necessary.

Therefore, Opposer requests that the case be suspended for 60 days for settlement discussions, on the alternative, Opposer requests a 2-month extension of time to submit expert disclosures. The dates would be reset as follows:

| | |
|---------------------------------------|------------|
| Opposer's Rebuttal Expert reports due | 10/30/2016 |
| Discovery closes | 11/29/2016 |
| Plaintiff's pretrial disclosures due | 1/13/2016 |
| Plaintiff's trial period ends: | 2/28/2017 |
| Defendant's Pretrial disclosures due: | 3/12/2016 |
| Defendant's 30-day Trial period ends | 4/26/2017 |
| Plaintiff's rebuttal disclosures | 5/13/2017 |
| Plaintiff's 15-day rebuttal ends | 6/12/2017 |

Dated: August 19, 2016

Respectfully submitted,



By: _____
Janet F. Satterthwaite
Potomac Law Group, PLLC
1300 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004
Tel: 202.486.1578
Fax: 202.318.7707
E-Mail: jsatterthwaite@potomacclaw.com
ereese@potomacclaw.com
Attorneys for Content Guru Limited

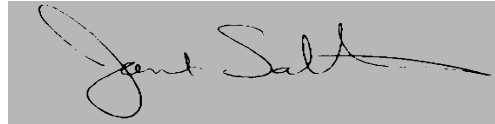
DECLARATION OF JANET F. SATTERTHWAITE

Janet F. Satterthwaite deposes and says:

1. I am over 18 and suffer no legal disability.
2. I am counsel for Opposer in the Opposition No. 91223262
3. Attached hereto is a copy of email correspondence between Twitter's counsel and me regarding the request to consent to suspend the case for 60 days.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

August 19, 2016

A handwritten signature in black ink, appearing to read "Janet Satterthwaite", is written over a light gray rectangular background.

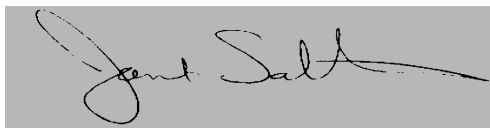
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| v. | : | |
| | : | |
| TWITTER, INC., | : | |
| | : | |
| Applicant. | : | |
| -----X | : | |

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Joseph Petersen
Kilpatrick Townsend & Stockton LLP
1080 Marsh Road
Menlo Park, California 94025
Telephone: 650.614.6427
Fax: 650.644.0570
Email: JPetersen@kiltown.com, aroach@kiltown.com, cgenteman@kiltown.com,
agarcia@kiltown.com, tadmin@kiltown.com



Dated: August 19, 2016

Janet F. Satterthwaite

Re: Content Guru v. Twitter -

Janet Satterthwaite

Fri 8/19/2016 11:55 AM

To: Vayner, Sabina <SVayner@kilpatricktownsend.com>;

Cc: Elissa Brockbank Reese <ereese@potomacclaw.com>; Genteman, Crystal
<cgenteman@kilpatricktownsend.com>; Garcia, Alberto
<Agarcia@kilpatricktownsend.com>; Petersen, Joe
<JPetersen@kilpatricktownsend.com>;

Sabina,

Are you going to consent, or do we need to file an *ex parte* motion?
Frankly, I don't know why it takes a week to respond to a request
for an extension.

I'm on vacation next week, so I need to take some action today.
The UK lawyers for our clients are in active discussion of a
possible resolution, so it makes sense to suspend.

regards,
Janet

Janet F. Satterthwaite | Partner | Potomac Law Group, PLLC
1300 Pennsylvania Avenue, NW, Suite 700
Washington, D.C. 20004
Tel: (202) 486-1578 | Fax: (202) 318-7707
jsatterthwaite@potomacclaw.com | www.potomacclaw.com

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and/or privileged. If you are not the intended recipient, please notify us immediately and
destroy all copies of this message and any attachments.

From: Janet Satterthwaite

Sent: Thursday, August 18, 2016 10:29 AM

To: Vayner, Sabina

Cc: Elissa Brockbank Reese; Genteman, Crystal; Garcia, Alberto; Petersen, Joe

Subject: Re: Content Guru v. Twitter -

Yes, expert disclosures are due this month.

Janet F. Satterthwaite | Partner | Potomac Law Group, PLLC
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Washington, D.C. 20004
Tel: (202) 486-1578 | Fax: (202) 318-7707
jsatterthwaite@potomacclaw.com | www.potomacclaw.com

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From: Vayner, Sabina <SVayner@kilpatricktownsend.com>

Sent: Thursday, August 18, 2016 10:11 AM

To: Janet Satterthwaite

Cc: Elissa Brockbank Reese; Genteman, Crystal; Garcia, Alberto; Petersen, Joe

Subject: RE: Content Guru v. Twitter -

Janet,

As I mentioned previously, we are discussing your client's suspension request with Twitter, and will provide you with a substantive response as soon as we are able to do so.

Is there a reason for the urgency on your end?

Best regards,

Sabina

Sabina A. Vayner

Kilpatrick Townsend & Stockton LLP

Suite 2800 | 1100 Peachtree Street NE | Atlanta, GA 30309-4528

office 404 815 6084 | cell 770 598 3191 | fax 404 541 4797

svayner@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

From: Janet Satterthwaite [mailto:jsatterthwaite@potomacclaw.com]

Sent: Thursday, August 18, 2016 7:57 AM

To: Vayner, Sabina

Cc: Elissa Brockbank Reese; Genteman, Crystal; Garcia, Alberto; Petersen, Joe

Subject: Re: Content Guru v. Twitter -

Thanks. Can you get back to me today? If we don't hear soon, we may need to file an ex parte motion.

regards

Janet

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Washington, D.C. 20004

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From: Vayner, Sabina <SVayner@kilpatricktownsend.com>

Sent: Wednesday, August 17, 2016 6:22 PM

To: Janet Satterthwaite

Cc: Elissa Brockbank Reese; Genteman, Crystal; Garcia, Alberto; Petersen, Joe

Subject: RE: Content Guru v. Twitter -

Janet,

Thanks for your email. We are discussing your email with the client.

Best regards,

Sabina

Sabina A. Vayner

Kilpatrick Townsend & Stockton LLP

Suite 2800 | 1100 Peachtree Street NE | Atlanta, GA 30309-4528

office 404 815 6084 | cell 770 598 3191 | fax 404 541 4797

svayner@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

From: Janet Satterthwaite [<mailto:jsatterthwaite@potomacclaw.com>]

Sent: Wednesday, August 17, 2016 6:21 PM

To: Petersen, Joe

Cc: Elissa Brockbank Reese; Genteman, Crystal; Garcia, Alberto; tadmin; Vayner, Sabina

Subject: Re: Content Guru v. Twitter -

Dear Joe,

Have you had a chance to consider our email below?

regards

Janet

Janet F. Satterthwaite | Partner | Potomac Law Group, PLLC

1300 Pennsylvania Avenue, NW, Suite 700

Washington, D.C. 20004

Tel: (202) 486-1578 | Fax: (202) 318-7707

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From: Janet Satterthwaite

Sent: Friday, August 12, 2016 12:35 PM

To: Petersen, Joe

Cc: Elissa Brockbank Reese; Genteman, Crystal; Garcia, Alberto; tadmin; Vayner, Sabina

Subject: Re: Content Guru v. Twitter -

Dear Joe,

I'm not sure if Cooley (UK) has had a chance to share their exchange with Osborne Clarke as set forth below. Since Nick is seeking instructions on the proposal put forward by Rob, we have been asked to suspend the US opposition by 60 days. I note both that Nick advises of an in-house change of responsibility, and that he is on holiday until August 19.

Please confirm that you are amenable, and if so whether we may serve the suspension motion by email.

regards,
Janet

WITHOUT PREJUDICE

Dear Rob,

Content Guru v Twitter

Thank you for your e-mail below and for today's voicemail.

We have sought Twitter's instructions on your proposal. The in-house lawyer dealing with the matter recently left Twitter – so it may take a little time for the new guy to get up to speed. However, I hope to be able to come back to you soon on this.

Kind regards

Nick

Nick Bolter

Partner

Cooley (UK) LLP

Dashwood

69 Old Broad Street

London EC2M 1QS, UK

Direct: +44 (0) 20 7556 4380 • Fax: +44 (0) 20 7022 1726 • Cell: +44 (0) 7879 634 372

Email: nbolter@cooley.com

Bio: www.cooley.com/nbolter • Practice: <http://www.cooley.com/trademark>

*** **I am on vacation from 8th August until 19th August** ***

[Twitter](#) | [Facebook](#) | [LinkedIn](#)

From: Robert Guthrie [<mailto:robert.guthrie@osborneclarke.com>]

Sent: 26 July 2016 17:14

To: Bolter, Nick

Cc: Varuni Paranavitane

Subject: WP - TWEETSTORM [OC-OC_UK.FID2703169]

WITHOUT PREJUDICE

Dear Nick

Content Guru v Twitter

I am contacting you to see if we may be able to resolve my client's oppositions to your client's TWEETSTORM applications. I understand that you have received our client's proof of use, which demonstrates the scale and breadth of our client's use of its STORM brand for a wide range of telecommunication services. We have also received your client's discovery in the US proceedings and it appears from these documents that your client has no current plans to use its TWEETSTORM mark in a manner that impinges on our client's rights. Given this, I would hope that the two oppositions should be capable of resolution. We have in mind a settlement whereby:

There are some changes to the broad terms in your client's class 38 specifications.

Your client withdraws its revocation action against our client's STORM mark.

Our client retains the right to object to the use and registration of TWEETSTORM in the future if your client starts to use in a manner that impinges on our client's rights or asserts its registrations against our client.

I look forward to hearing from you.

Yours sincerely

Robert Guthrie

Robert Guthrie

Partner

for Osborne Clarke LLP

osborneclarke.com

Visit our dedicated IP Hub [here](#)

.....
E robert.guthrie@osborneclarke.com

T + 44 20 7105 7662

M + 44 7966 037775

Twitter @RobGuthrieOC

LinkedIn uk.linkedin.com/in/robertguthrieip

Janet F. Satterthwaite | Partner | Potomac Law Group, PLLC

1300 Pennsylvania Avenue, NW, Suite 700

Washington, D.C. 20004

Tel: (202) 486-1578 | Fax: (202) 318-7707

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